

## **EXHIBIT C**



# Office of Labor Relations

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**Renee Campion**  
Commissioner  
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Deputy Commissioner  
Health Care Strategy  
**Georgette Gestely**  
Director, Employee Benefits Program

July 18, 2024

The Honorable Lynn Schulman  
Chair, Committee on Health

Via email

Dear Chair Schulman:

I am writing to supplement and clarify my June 18 testimony before the New York City Council Committee on Health. During my testimony, I advised the following:

Individuals may be eligible for IVF coverage if they are diagnosed with infertility, as defined by State rules and regulations. An individual may also be eligible for IVF coverage if they are unable to conceive due to their sexual orientation or gender identity without having an infertility diagnosis. This has been the case *since at least 2021, when the State Department of Financial Services issued guidance regarding the issue.* So to be clear, gay males who are covered by the City health plan are eligible for IVF benefits and do not need to establish a diagnosis of infertility to be eligible for those benefits. [Emphasis added].

This testimony was based on information provided by our health insurance carriers including: EmblemHealth, which administers the City's CBP medical plan; Anthem, which handles care management; and WINFertility, which Anthem has subcontracted to handle care management for infertility services, including prior authorizations. Much of this statement is an accurate description of the current coverage provided by the CBP plan, which covers approximately 75% of City employees.

However, we now understand, based on recent discussions with our carriers, that as late as October 2023, WINFertility continued to limit its authorizations for same-sex couples without an infertility diagnosis to Intra-Uterine Insemination (IUI), and continued to require an infertility diagnosis before authorizing IVF coverage for same-sex male couples. We further understand that WINFertility revised their policy after the American Society for Reproductive Medicine (ASRM) published a revised definition of "infertility." We have also confirmed that since 2021, Emblem, in administering our second-largest plan, the HIP-HMO, which covers approximately 20% of City employees, has been providing IVF coverage to same-sex male couples *without* an infertility diagnosis, consistent with my testimony.

Our agency is now undertaking a comprehensive, expedited review of our carriers' policies and seeking clarity from the New York State Department of Financial Services regarding the 2021 Circular Letter #3, which I referenced elsewhere in my testimony. We have also requested data detailing any denials of authorization for IVF treatment for same-sex couples processed by WINFertility from 2021-2023.

We will continue to keep your Committee informed regarding this matter, and are working diligently to provide thorough, accurate, responses to the additional questions we received from your Committee on June 27.

Sincerely,

A handwritten signature in blue ink, appearing to read "Daniel Pollak", with a stylized flourish at the end.

Daniel Pollak